



## IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

Judge or Division: JUDY PREDDY DRAPER	Case Number: 14SL-AC05751
Plaintiff/Petitioner: NICOLE GUFFEY	Plaintiff's/Petitioner's Attorney/Address: DOMINIC M. PONTELLO PONTELLO LAW, LLC SUITE 112 5988 MIDRIVERS MALL DRIVE ST. CHARLES, MO 63304 (636) 541-7673
Defendant/Respondent: RECEIVABLES PERFORMANCE MANAGEMENT LLC	Date, Time and Location of Court Appearance: 16-APR-2014, 09:00 AM DIVISION 41W ST LOUIS COUNTY COURT BUILDING 7900 CARONDELET AVE CLAYTON, MO 63105
Nature of Suit: AC Other Tort	

(Date File Stamp)

## Associate Division Summons

The State of Missouri to: RECEIVABLES PERFORMANCE MANAGEMENT LLC

Alias:

CT CORPORATION SYSTEM R/A  
120 SOUTH CENTRAL AVE  
CLAYTON, MO 63105

COURT SEAL OF



ST. LOUIS COUNTY

You are summoned to appear before this court on the date, time, and location above to answer the attached petition. If you fail to do so, judgment by default will be taken against you for the relief demanded in the petition. You may be permitted to file certain responsive pleadings, pursuant to Chapter 517 RSMo. Should you have any questions regarding responsive pleadings in this case, you should consult an attorney.

**SPECIAL NEEDS:** If you have special needs addressed by the Americans With Disabilities Act, please notify the Office of the Circuit Clerk at 314-615-8029, FAX 314-615-8739 or TTY at 314-615-4567, at least three business days in advance of the court proceeding.

03/05/2014  
Date

  
Clerk
Further Information:  
AKA

## Sheriff's or Server's Return

**Note to serving officer:** Service must not be made less than ten days nor more than sixty days from the date the Defendant/Respondent is to appear in court.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with a person of the Defendant's/Respondent's family over the age of 15 years.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).
- ☐ other \_\_\_\_\_

Served at \_\_\_\_\_ (address)  
in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

**Must be sworn before a notary public if not served by an authorized officer:**

(Seal)

Subscribed and sworn to before me on \_\_\_\_\_ (date).

My commission expires: \_\_\_\_\_

Date

Notary Public

## Sheriff's Fees, if applicable

Summons	\$ _____
Non Est	\$ _____
Sheriff's Deputy Salary	\$ _____
Supplemental Surcharge	\$ 10.00
Mileage	\$ _____ ( _____ miles @ \$ _____ per mile)
<b>Total</b>	<b>\$ _____</b>

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

IN THE CIRCUIT COURT  
SAINT LOUIS COUNTY  
STATE OF MISSOURI  
ASSOCIATE DIVISION

**Nicole Guffey,**

Plaintiff,

**V.**

**Receivables Performance Management, LLC.**

**Serve at:**

CT Corporation System, Registered Agent  
120 South Central Ave  
Clayton, MO 63105

**Defendant.**

Cause No.

## Division

## JURY TRIAL DEMANDED

**PETITION**

COMES NOW, Plaintiff, Nicole Guffey, and for her Petition states as follows:

## INTRODUCTION

1. This is an action for statutory damages brought by an individual consumer for violations of the Fair Debt Collections Practices Act, 15 USC 1692 *et. Seq.* (“FDCPA”), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.
2. Plaintiff demands a trial by jury on all issues so triable.

## JURISDICTION

3. This Court has jurisdiction of the FDCPA claim under 15 USC 1692k (d) because the illicit collection activity was directed at Plaintiff in Saint Louis County, Missouri.

### **PARTIES**

4. Plaintiff is a natural person currently residing in Saint Louis County, Missouri. Plaintiff is a “consumer” within the meaning of the FDCPA. The alleged debt Plaintiff owes arises out of consumer, family, and household transactions.

5. Specifically, Plaintiff believes the alleged debt arose from an AT&T cellular account.

6. Defendant is a foreign corporation with its principal place of business in Lynnwood, WA. The principal business purpose of Defendant is the collection of debts in Missouri and nationwide, and Defendant regularly attempts to collect debts alleged to be due another.

7. Defendant is engaged in the collection of debts from consumers using the mail and telephone. Defendant is a “debt collector” as defined by the FDCPA. 15 U.S.C. §1692a (6).

### **FACTS**

8. Defendant’s illicit collection activity of which Plaintiff complains occurred within the previous twelve (12) months.

9. Defendant’s illicit collection activity consisted of an email sent to Plaintiff.

10. On or about January 11, 2014, Plaintiff received an email in her account inbox at XXXXXX2010@yahoo.com.

11. The email was sent by ReceivablesPerformanceManagement@rpmnotices.com. The email provided a contact phone number of (855) 268-4094. The email contained a business address for Defendant Receivables Performance Management at 20816 44<sup>th</sup> Ave W, Lynnwood, WA 98036.

12. The email requested Plaintiff to follow a link to view her account details. This

email was a communication in an attempt to collect a debt.

13. The January 11, 2014 email failed to disclose that the communication was from a debt collector, in violation of 15 U.S.C. §1692e(11), which requires that in all communications with a debtor, the debt collector must disclose that the communication is from a debt collector.

14. Specifically, the Defendant's email failed to provide Plaintiff with a meaningful disclosure of Defendant's identity as a debt collector.

15. Defendant's collection attempts have caused Plaintiff to incur actual damages including but not limited to anxiety, sleeplessness, and worry.

**COUNT I: VIOLATION OF THE FDCPA**

16. Plaintiff re-alleges and incorporates by reference all of the above paragraphs.

17. In its attempt to collect the alleged debt from Plaintiff, Defendant has committed violations of the FDCPA, 15 U.S.C. 1692 et. seq., including, but not limited to, the following:

a. Failing to disclose in a collection communication that the communication is from a debt collector in an attempt to collect a debt, and that any information obtained will be used for that purpose. 15 U.S.C. §1692e(11).

**WHEREFORE**, Plaintiff respectfully requests that judgment be entered against Defendant for:

- A. Judgment that Defendant's conduct violated the FDCPA;
- B. Actual damages;
- C. Release of the alleged debt;
- D. Statutory damages, costs and reasonable attorney's fees pursuant to 15 U.S.C. 1692(k); and
- E. For such other relief as the Court may deem just and proper.

Respectfully submitted by,

Pontello Law, LLC

*Isaac Bresler for Pontello Law, #66879*



Dominic M. Pontello, #60947

Attorney for Plaintiff

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